

## REMARKS

Claims 1, 2, 4-6, 8, 13, 15, 17, 21-24, 27, 29, and 30 were rejected under 35 U.S.C. 102(b) as being anticipated by Husher; claims 3, 7, 10, 14, 25, 26, and 28 were rejected under 35 U.S.C. 103(a) as being unpatentable over Husher, as applied to claim 1, and further in view of Taniguchi; and claims 9, 11, 12, 16, 18, 19, and 20 were rejected under 35 U.S.C. 103(a) as being unpatentable over Husher, as applied to claim 8, and further in view of S.M. Sze, Semiconductor Devices, Physics and Technology.

For a rejection under U.S.C. 102(b) to be valid each and every element of the claimed invention must be found in the reference.

Claim 1 of the patent application requires among other elements a well formed in the first layer, wherein the well comprises a first conductivity type and has a side dimension and a bottom dimension; a first enclosure surrounding the side dimension and the bottom dimension of the well, wherein the first enclosure comprises a second conductivity type complementary of the first conductivity type and has a side dimension and a bottom dimension; and a second enclosure surrounding the side dimension and the bottom dimension of the first enclosure, wherein the second enclosure comprises the first conductivity type.

In an office action dated 8/16/2002 the examiner described the Husher patent as containing a well 160 formed in the first layer. The examiner repeated this interpretation of the Husher patent in an office action dated 2/04/03. Furthermore in both office actions the examiner describes layer 150 in the Husher patent as a buried layer and directs the applicant to column 4, lines 53-56 to support this description. The examiner is correct in describing region 150 as a buried layer and this interpretation is supported by the relevant sections of the Husher patent described by the examiner. The examiner however is incorrect in describing the region labeled 160 in the Husher patent as a well. The proper

description of the region labeled 160 is found in column 3, lines 67-68, and column 4, lines 1-2 of the Husher patent where it states, "P catch diffusion region 150 may be electrically connected, via annular P+ sinker region (or return region) 160, to the collector terminal of the transistor." Region 160 is therefore not a well region as incorrectly described by the examiner but is instead a sinker region as described in the Husher patent itself. The Husher patent therefore does not contain all the required elements of claim 1 of the instant invention and claim 1 is allowable over the cited art. Independent claim 22 contains the limitation of forming a well in the first layer. As described above the Husher patent does not describe a well region and therefore does not describe forming a well region. Independent claim 22 is therefore allowable over the cited art. Furthermore dependent claims 2, 4-6, 8, 13, 15, 17, and 21 depend from claim 1 and therefore contain the limitation of a well. Dependent claims 2, 4-6, 8, 13, 15, 17, and 21 are therefore allowable over the cited art. Dependent claims 23-24, 27, 29, and 30 depend from claim 22 and therefore contain the limitation of forming a well. Dependent claims 23-24, 27, 29, and 30 are therefore allowable over the cited art.

Claims 3, 7, 10, 14, 25, 26, and 28 were rejected under 35 U.S.C. 103(a) as being unpatentable over Husher as applied to claim 1 in further view of Taniguchi. As described above claim 1 is allowable over the Husher patent. The Taniguchi patent does not describe a well as required by the claims and therefore claims 3, 7, 10, 14, 25, 26, and 28 are allowable over the Husher patent in further view of Taniguchi.

In light of the above, it is respectfully submitted that the present application is in condition for allowance, and notice to that effect is respectfully requested.

While it is believed that the instant amendment places the application in condition for allowance, should the Examiner have any further comments or suggestions, it is respectfully requested that the Examiner contact the undersigned in order to expeditiously resolve any outstanding issues.

To the extent necessary, Applicants petition for an Extension of Time under 37 CFR 1.136. Please charge any fees in connection with the filing of this paper, including extension of time fees, to the deposit account of Texas Instruments Incorporated, Account No. 20-0668.

  
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